COMMITTEE ON EDUCATION AND WORKFORCE

U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

September 17, 2026

The Honorable Keith E. Sonderling
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Sonderling:

I urge you to initiate an immediate investigation into the reported submission of public comments using stolen identities in support of the Department of Labor's (DOL) proposed rule[1] establishing a legal safe harbor for 401(k) plans to invest in private equity, cryptocurrency, and other so-called "alternative assets" (DOL's proposed rule).

As you may be aware, recent reporting by *Bloomberg News* identified nearly 12,000 public comments in support of DOL's proposed rule showing signs that they "may have been manufactured . . . and lacked any personalization, such as signatures."[2] In contrast to the more than 30,000 public comments opposing the rule, these supportive comments failed to include the commenter's city, state, or email address.[3] In certain cases, the reporters were not able to confirm that commenters in support of DOL's proposed rule actually existed.[4] In others, the reporters identified people who "vehemently denied" submitting comments in support of DOL's proposed rule or "said their relatives couldn't have done so because they were dead."[5]

This reporting is incredibly concerning and raises legitimate questions about whether DOL's public comment process for agency rulemakings has been corrupted during the Trump Administration. The reporting also magnifies the lack of verifiable public support for DOL's proposed rule, representing yet another reason why it should be withdrawn.

---

[1] *See* U.S. Dep't of Labor, Fiduciary Duties in Selecting Designated Investment Alternatives, 91 Fed. Reg. 16088, (Mar. 31, 2026) (to be codified at 29 C.F.R. pt. 2510), https://www.federalregister.gov/documents/2026/03/31/2026-06178/fiduciary-duties-inselecting-designated-investment-alternatives.
[2] Noah Buhayar and Jeff Kao, *Trump's 401(k) Proposal Shows Evidence of Phony Public Support*, BLOOMBERG NEWS, (Aug. 13, 2026), https://www.bloomberg.com/news/features/2026-08-13/trump-401-k-proposal-shows-signs-of-phony-supportive-comments.
[3] *Id.*
[4] *Id.*
[5] *Id.*

As DOL proceeds with its investigation, I seek responses to the following questions by October 1, 2026:

1. What is the full extent of the number and nature of public comments utilizing unverifiable or stolen identities in support of DOL's proposed rule?

2. How many other DOL rulemakings during the Trump Administration were supported by public comments utilizing unverifiable or stolen identities? What is the scope of this scandal?

3. Did any DOL and/or Trump Administration officials have any knowledge of, or involvement with, this public comment scandal?

4. Is DOL aware of any outside parties that had any knowledge of, or involvement with, the public comments utilizing unverifiable or stolen identities in support of DOL's proposed rule? If yes, please list those outside parties and describe how DOL learned about that knowledge or involvement.

5. Will the DOL commit to making any referrals to the Department of Justice for further investigation and/or criminal or civil enforcement actions related to this public comment scandal?

6. Which measures and system improvements does DOL plan to implement – on its own and/or in conjunction with the General Services Administration (GSA) – to ensure that public comments utilizing unverifiable or stolen identities are barred from being submitted? What is the timeline for implementing these measures and system improvements?

It is imperative that DOL promptly work to restore the integrity of its public comment process for agency rulemakings and rebuild trust in it.

Thank you for your attention. Please send all official correspondence and information related to this request to the Committee's Democratic staff at EWDOversight@mail.house.gov. I look forward to your response.

Sincerely,

Robert C. "Bobby" Scott
Ranking Member
Committee on Education and Workforce